

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLAN  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.3)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED CHELATING CARBENE LIGAND PRECURSORS AND THEIR USE IN SYNTHESIS OF METATHESIS CATALYSTS

the specification of which (CHECK applicable BOX(ES))  
 A.  is attached hereto.  
BOX(ES) → B.  was filed on November 15, 2002 as U.S. Application No. \_\_\_\_\_  
 → C.  was filed as PCT International Application No. PCT/ \_\_\_\_\_ / \_\_\_\_\_ on \_\_\_\_\_  
 and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

<u>PRIOR FOREIGN APPLICATION(S)</u>	<u>Date first Laid-open or Published</u>	<u>Date Patented or Granted</u>	<u>Priority NOT Claimed</u>
<u>Number</u>	<u>Country</u>	<u>Day/MONTH/Year Filed</u>	

If more prior foreign applications, X box at bottom and continue on attached page.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

<u>PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)</u>	<u>Status</u>	<u>Priority NOT Claimed</u>
<u>Application No. (series code/serial no.)</u>	<u>Day/MONTH/Year Filed</u>	
60/334,781	15 November 2001	<u>pending, abandoned, patented</u> pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint David Jaffer, Pillsbury Winthrop LLP, 2550 Hanover Street, Palo Alto, CA 94304-1115, telephone number (650) 233-4510 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

G. Lloyd Knight	17698	Mark G. Paulson	30793	William P. Atkins	38821	John Jobe	28429
George M. Sirilla	18221	Stephen C. Glazier	31361	Paul L. Sharer	36004	Mark C. Pickering	36239
Dale S. Lazar	28872	Richard H. Zaitlen	27248	Robin L. Teskin	35030	David H. Jaffer	32243
Glenn J. Perry	28458	Roger R. Wise	31204	Anthony L. Miele	34393	John R. Wetherell	31678
G. Paul Edgell	24238	Jack S. Barufka	37087	Robert J. Walters	40862	Steven Moore	35959
David A. Jakopin	32995	Adam R. Hess	41835	Brian J. Beatus	38825	Jeffrey D. Karczeski	35914
Danielson, Mark	40580	Kim, Chang H.	42727	Sethuraman, Anand	43351	Davoudian, Keyvan	47520
Dennison, Caroline D.	34494	Baeza, Guillermo	35056	Barrett, Glenn T	38705	Bowen, Paul T.	38009
Brummett, Gregory P.	41646	Daley, Henry J.	42459	Fagin, Kenneth M.	37615	Hilliard, Thomas P.	40330
Sanzo, Michael A.	36912	Siritsky, Brian	37497	McCarthy, Christine H.	41844	Collins, Bryan P.	43560
Darling, John P.	44482	Elamrani, Samir	43601	Hartman, Kerry T.	41818	Hernandez, Eric	47641
James W. Jakobsen	38505						

(1) INVENTOR'S SIGNATURE: Richard Pederson

Date: 12/02/02

First	Middle Initial	Family Name
Richard	L.	Pederson
Residence	<u>Samuel</u>	CA USA
City		State/Foreign Country
Mailing Address	<u>8736 Huntington Dr.</u>	
(include Zip Code)	<u>91775</u>	

(2) INVENTOR'S SIGNATURE: Jason Woertink

Date: 12/02/02

First	Middle Initial	Family Name
Jason	K.	Woertink
Residence	<u>47 Pasadena</u>	CA USA
City		State/Foreign Country
Mailing Address	<u>445 S. Hudson Ave Apt #5</u>	
(include Zip Code)	<u>91101</u>	

"X" box  FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor.

See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. P14158-0300302

(M#)

## DECLARATION AND POWER OF ATTORNEY

(continued)

## ADDITIONAL INVENTORS:

(3) INVENTOR'S SIGNATURE: *Christopher M Haar*

Date: 12/04/02

First: Christopher	Middle Initial: M.	Family Name: Haar
Residence: PASADENA	City: CA, USA	State/Foreign Country: USA
Mailing Address: 1820 E DEL MAR BL #207 (include Zip Code) 91107	Country of Citizenship:	

(4) INVENTOR'S SIGNATURE: *David Gindelberger*

Date: 12/10/02

First: David	Middle Initial: E.	Family Name: Gindelberger
Residence: SOUTH PASADENA	City: CA, USA	State/Foreign Country: USA
Mailing Address: 1619 HUNTINGTON DR. UNIT 3 (include Zip Code) 91030	Country of Citizenship:	

(5) INVENTOR'S SIGNATURE: *Yann Schrodi*

Date: 11/25/02

First: Yann	Middle Initial:	Family Name: Schrodi
Residence: LOS ANGELES	City: CA, USA	State/Foreign Country: FRANCE
Mailing Address: 3901 LOS FELIZ BLVD APT 316 (include Zip Code) 90027	Country of Citizenship:	

(6) INVENTOR'S SIGNATURE:

Date:

First:	Middle Initial:	Family Name:
Residence:	City:	State/Foreign Country:
Mailing Address:	Country of Citizenship:	
(include Zip Code)		

(7) INVENTOR'S SIGNATURE:

Date:

First:	Middle Initial:	Family Name:
Residence:	City:	State/Foreign Country:
Mailing Address:	Country of Citizenship:	
(include Zip Code)		

(8) INVENTOR'S SIGNATURE:

Date:

First:	Middle Initial:	Family Name:
Residence:	City:	State/Foreign Country:
Mailing Address:	Country of Citizenship:	
(include Zip Code)		

(9) INVENTOR'S SIGNATURE:

Date:

First:	Middle Initial:	Family Name:
Residence:	City:	State/Foreign Country:
Mailing Address:	Country of Citizenship:	
(include Zip Code)		

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)  
PATENT AND TRADEMARK CASES - RULES OF PRACTICE  
DUTY OF DISCLOSURE

- (a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless—

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

\* Six months for Design Applications (35 U.S.C. 172).

## BOX ASSIGNMENTS

DO NOT USE FOR TRADEMARKS

RECORDATION FORM COVER SHEET  
PATENT APPLICATIONS & PATENTS ONLY

TO THE ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS:  
SIR: PLEASE RECORD THE ATTACHED ORIGINAL DOCUMENTS OR COPY THEREOF.

## 1. NAME OF CONVEYING PARTY(IES) (ASSIGNORS(S)):

- |                        |                          |
|------------------------|--------------------------|
| 1. Richard L. Pederson | 2. Jason K. Woertink     |
| 3. Christopher M. Haar | 4. David E. Gindelberger |
| 5. Yaan Schrodi        | 6.                       |
| 7.                     | 8.                       |

ADDITIONAL NAME(S) OF CONVEYING PARTY(IES) ATTACHED?  YES  NO

## 2. PARTY(IES) (ASSIGNEE(S)) RECEIVING INTEREST:

NAME: MATERIA, INC.

ADDRESS: 2531 Nina Street, Pasadena, California 91107

ADDITIONAL NAME(S) & ADDRESS(ES) ATTACHED?  YES  NO

## 3. NATURE OF CONVEYANCE (DOCUMENT):

(Submit herewith only one document for recordation—multiple copies of same Assignment signed by different inventors is one document)

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> ASSIGNMENT OF | <input checked="" type="checkbox"/> WHOLE     | <input type="checkbox"/> PART INTEREST |
| <input checked="" type="checkbox"/> ORIGINAL      | <input type="checkbox"/> FACSIMILE/PHOTOCOPY  |  |
| <input type="checkbox"/> CHANGE OF NAME           | <input type="checkbox"/> VERIFIED TRANSLATION |  |
| <input type="checkbox"/> SECURITY                 | <input type="checkbox"/> MERGER               | <input type="checkbox"/> OTHER:        |

EXEC. DATE: 11/25/02; 12/4/02; 12/10/02; &  
12/21/02EXECUTION DATE(S) ON THE DECLARATION IF FILED HEREWITH: (NOTE: IF DATES ON DECLARATION AND  
ASSIGNMENT DIFFER SEE ATTY!)4.5 APPL. NO.(S) OR PAT NO.(S). OTHERS ON ADDITIONAL SHEET(S) attached?  YES  NO

A. PAT. APP. NO.(S) series code/serial no.	M#	1 <sup>st</sup> INVENTOR if not in Item 1	B. PATENT NO(S)	M#	1 <sup>st</sup> INVENTOR if not in item 1
10/295,773	PW-0300302				

5. Name & Address of Party to Whom Correspondence  
Concerning Document Should be Mailed:

Pillsbury Winthrop LLP  
Intellectual Property Group  
Docketing/Calendarizing Department  
2550 Hanover Street  
Palo Alto, CA 94304

6. NUMBER INVOLVED:  
APPLNS 1 + PATS 0 = TOTAL = 17. AMOUNT OF FEE DUE: (Code 581)  
ABOVE TOTAL x \$40 = \$40

## 5.5 ATTY DKT:

PW-0300302

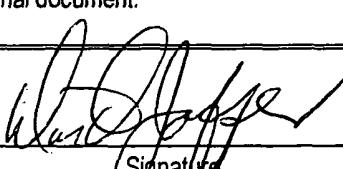
MATTER NO.

CLIENT REF.

8. PLEASE CHARGE TO OUR DEPOSIT ACCOUNT  
NUMBER: 03-3975

UNDER ORDER NO 014518 0300302

dup. sheet not required CLIENT NO. MATTER NO.

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of  
the original document.


Signature

Attorney: David H. Jaffer

Reg. No. 32,243

Atty/Sec: DHJ/cb

TEL: (650) 233-4510

10. Total number of pages including this  
cover sheet, attachments and document  
(do not file dup. Cover sheet)

3

Feb. 18

Date: January 2003

FAX: (650) 233-4545

FILE WITH PTO RETURN RECEIPT (PAT-103A)

Please return signed/recorded to:

David H. Jaffer  
Pillsbury Winthrop LLP  
2550 Hanover Street  
Palo Alto, CA 94304-1115

Atty. Dkt. 14518 | 0300302  
M# | Client Ref.

**ASSIGNMENT**  
**of U.S. Origin Patent Application**

WHEREAS, the undersigned, to wit:

- |                        |                          |
|------------------------|--------------------------|
| 1) Richard L. Pederson | 2) Jason K. Woertink     |
| 3) Christopher M. Haar | 4) David E. Gindelberger |
| 5) Yann Schrodi        | 6)                       |
| 7)                     | 8)                       |

(hereinafter collectively ASSIGNOR), has/have made an invention known as Dkt. 14518-0300302

and entitled: **CHELATING CARBENE LIGAND PRECURSORS AND THEIR USE IN SYNTHESIS OF  
METATHESIS CATALYSTS**

for which an application for Letters Patent of the United States

was executed even date herewith and is about to be filed in the United States Patent and Trademark Office;  
 was filed on November 15, 2002, Appln. No. 10/ 295,773 ;

AND WHEREAS Materia, Inc.

(hereinafter ASSIGNEE), duly organized and existing under the laws of the State of California  
and having its principal office and place of business at 2531 Nina Street, Pasadena, CA 91107  
desires to acquire an interest therein;

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said ASSIGNEE, does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives, the full and exclusive right, title and interest to the said invention in the United States and all foreign countries, as described in the aforesaid application, and to the said application and to all continuations, divisions, reissues and substitutes of said application, together with the right of priority under the International Convention for the Protection of Industrial Property, Inter-American Convention Relating to Patents, Designs and Industrial Models, and any other international agreements to which the United States of America adheres, and ASSIGNEE hereby authorizes and requests the Commissioner of Patents to issue said Letters Patent to ASSIGNEE, for its interest as ASSIGNEE, its successors, assigns and legal representatives.

AND ASSIGNOR hereby agrees to execute any papers requested by ASSIGNEE, its successors, assigns and legal representatives, deemed essential to ASSIGNEE's full protection and title in and to the invention hereby transferred.

ASSIGNOR furthermore agrees upon request of said ASSIGNEE, and without further remuneration, to execute any and all papers desired by said ASSIGNEE for the filing and granting of foreign applications and the perfecting of title thereto in said ASSIGNEE.

NOTE: The undersigned hereby authorizes Pillsbury Winthrop LLP of the above address to insert hereon any further identification necessary or desirable for recordation of this document.

Executed on the date(s) below indicated.

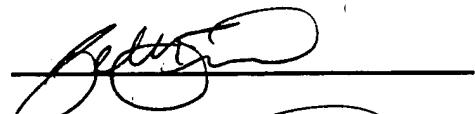
Signature

Date Signed

Witness

1) Richard L. Pederson  
Name: Richard L. Pederson

12/10/02



2) J. M.  
Name: Jason K. Woertink

12/10/02



3) Christopher M. Haar  
Name: Christopher M. Haar

12/4/02



4) David E. Gindelberger  
Name: David E. Gindelberger

12/10/02



5) Yann Schrodi  
Name: Yann Schrodi

11/25/02



6) \_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7) \_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8) \_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**COPY**

In re application of: Pederson et al.

Application No.: 010/295,773 Group No.: 1621

Filed: November 15, 2002 Examiner: Nazario Gonzalez, Porfirio  
For: CHELATING CARBENE LIGAND PRECURSORS AND THEIR USE IN THE  
SYNTHESIS OF METATHESIS CATALYSTS

Assistant Commissioner for Patents

Washington, D.C. 20231 P. O. Box 1450, Alexandria, VA 22313-1450

NOTIFICATION OF FILING OF CONTINUING,  
DIVISIONAL OR CONTINUED PROSECUTION APPLICATION

Notification is hereby being made of the filing of a:

- continuation  
 continuation-in-part  
 divisional  
 continued prosecution

application for this case

 concurrently herewith. on \_\_\_\_\_

Date

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10**  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner  
for Patents, Washington, D.C. 20231  
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10\*
- with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee"  
Mailing Label No. EY342545174US

## TRANSMISSION

- transmitted by facsimile to the Patent and Trademark Office.



Signature

Date: 9/16/03Diana Dearing

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Notification of Filing of Continuing, Divisional or Continued Prosecution Application [4-8] (page 1 of 2))

**COPY**



**SIGNATURE OF PRACTITIONER**

David Jaffer

(type or print name of practitioner)

Reg. No. 32,243

Tel. No.: (650) 233-4510

Customer No.: 27498

Pillsbury Winthrop LLP

**P.O. Address**

2550 Hanover Street  
Palo Alto, CA 94304-1115